UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

STEVEN A. SWAN,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil No. 1:06-cv-404-JAW
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant	)	

ORDER

Petitioner Stephen A. Swan has filed three motions (Docket Nos. 22, 23 & 24). I now enter the following rulings:

1.) Motion for Ruling on Previous Motion for Leave to Proceed in forma pauperis is dismissed as moot because there is no filing fee associated with this pleading. In the event it is determined that Swan is entitled to court appointed counsel I will reconsider his earlier motion automatically and he will in all probability qualify for court appointed counsel. In the event Swan ultimately wishes to appeal any ruling of this court he will then have to submit a new motion for leave to proceed in forma pauperis at that time. However, it would premature to entertain such a request at this juncture.

2.) The motion for reconsideration re: Motion to Appoint Counsel is **DENIED**. In the event an evidentiary hearing is ordered or if the interests of justice otherwise require the appointment of counsel, I will automatically reconsider the prior motion. However, at this point in time there is no statutory right to counsel and there is no reason for me to appoint an attorney.

3.) Motion to Bar Attorneys Colantuono and Morse. AUSA Morse has entered his appearance as attorney of record in this case and based upon the pleadings filed to date there is no reason for

me to order his appearance stricken. The Order to Answer this petition is due on April 16, 2007.

As part of its answer, the Government shall include its formal response to this motion as well and

ruling on this motion is reserved until such time as the Government files its response.

So Ordered.

Dated March 13, 2007   /s/ Margaret J. Kravchuk
                                                             U.S. Magistrate Judge